APPENDIX.

Title 24 of the Code of the District of Columbia as consolidated and codified to March 4, 1929, provides:

"PART II. MANDAMUS.

211. How APPLIED FOR. All applications for granting writs of mandamus shall be commenced by petition, verified by affidavit of the applicant, setting forth fully the ground of his application. (Mar. 3, 1901, 31 Stat. 1390, c. 854, sec. 1273.)

212. RULE ON DEFENDANT. Upon the filing of such petition the court may lay a rule requiring the defendant therein named to show cause, within such time as the court may deem proper, why a writ of mandamus should not issue as prayed, a copy of which rule shall be served upon such defendant by a day to be therein limited. (Mar. 3, 1901, 31 Stat. 1390, c. 854, sec. 1274.)

213. DEFENDANT'S ANSWER. The defendant, by the day named in such order, unless for cause shown the court shall extend the time, shall file an answer to such petition, fully setting forth all the defenses upon which he intends to rely in resisting such application, which shall be verified by his affidavit. (Mar. 3, 1901, 31 Stat. 1390, c. 854, sec. 1275.)

214. PLEADINGS AND FURTHER PROCEEDINGS. The petitioner may plead to or traverse all or any of the material averments set forth in said answer, and the defendant shall take issue or demur to said plea or traverse within five days thereafter unless for cause shown, the court shall extend the time; and such further proceedings shall thereupon be had in the premises for the determination thereof as if the petitioner had brought an action for a false return. (Mar. 3, 1901, 31 Stat. 1390, c. 854, sec. 1276; June 30, 1902, 32 Stat. 543, c. 1329.)

215. TIME OF TRIAL OF ISSUE. If issue shall be joined on such proceedings, the same shall stand for trial at as early a day as the court shall appoint. (Mar. 3, 1901, 31 Stat. 1390, c. 854, sec. 1277.)

216. TRIAL. Such issues shall be tried by a jury if both parties in writing require it, otherwise they shall be heard and determined by the court; and in case a verdict shall be found for the petitioner, or if the court upon hearing determine for the petitioner, or judgment be given for him upon demurrer or for want of a plea, such petitioner shall thereupon recover his damages and costs as he might have done in an action for a false return, to be levied by execution, and a peremptory writ of mandamus shall be granted thereon without delay against the defendant. (Mar. 3, 1901, 31 Stat. 1390, c. 854, sec. 1278.)

217. JUDGMENT FOR DEFENDANT. If judgment shall be given for the defendant he shall recover his costs of suit, to be levied in the manner aforesaid. (Mar. 3, 1901, 31 Stat. 1391, c. 854, sec. 1279.)

218. DEFENDANT'S DEFAULT; GRANTING OF WRIT. If the defendant shall neglect to file his answer to the petition by the day named in the order of the court, after being served with notice thereof, the said court shall thereupon proceed to hear the said petition *ex parte*, within five days thereafter, and if it shall be of opinion that the facts and law of the case authorize the granting of a mandamus as prayed, it shall thereupon without delay order a peremptory mandamus to issue, and shall also adjudge to the petitioner his costs of suit. (Mar. 3, 1901, 31 Stat. 1391, c. 854, sec. 1280.)

219. SAME; DENIAL OF WRIT. If the court shall, upon such *ex parte* hearing, be of opinion that the facts and law of the case do not authorize the granting of a mandamus, it shall dismiss such petition with costs. (Mar. 3, 1901, 31 Stat. 1391, c. 854, sec. 1281.)

220. APPEAL. In case of an appeal by the defendant the court shall fix the penalty of the appeal bond necessary to be given to stay the execution or enforcement of the order appealed from. (Mar. 3, 1901, 31 Stat. 1391, c. 854, sec. 1282.)

Section 19 of the World War Veterans' Act, approved June 7, 1924 (c. 320, Sec. 19, 43 Stat. 612), 38 U. S. C. A.

445 (See Cumulative Annual Pocket Part), the legislative history of which is reflected by the references to the various statutes at large, at the end of the quotation, provides, in pertinent part, as follows:

> In the event of disagreement as to claim, including claim for refund of premiums, under a contract of insurance between the Veterans' Administration and any person or persons claiming thereunder, an action on the claim may be brought against the United States, either in the District Court of the United States for the District of Columbia or in the District Court of the United States in and for the district in which such persons or any one of them resides, and jurisdiction is hereby conferred upon such courts to hear and determine all such controversies. * * *
>
> No suit on yearly renewable term insurance shall be allowed under this section unless the same shall have been brought within six years after the right accrued for which the claim is made or within one year after July 3, 1930, whichever is the later date, and no suit on United States Government life (converted) insurance shall be allowed under this section unless the same shall have been brought within six years after the right accrued for which the claim is made: *Provided*, That for the purposes of this section it shall be deemed that the right accrued on the happening of the contingency on which the claim is founded: *Provided further*, That this limitation is suspended for the period elapsing between the filing in the Veterans' Administration of the claim sued upon and the denial of said claim by the Administrator of Veterans' Affairs. * * * (June 7, 1924, c. 320, sec. 19, 43 Stat. 612; Mar. 4, 1925, c. 553, Sec. 2, 43 Stat. 1302; May 29, 1928, c. 875, sec. 1, 45 Stat. 964; July 3, 1930, c. 849, sec. 4, 46 Stat. 992; July 3, 1930, c. 863, secs. 1, 2, 46 Stat. 1016; June 7, 1934, c. 426, 48 Stat. 926; June 25, 1936, c. 804, 49 Stat. 1921.)

Section 17 of the Economy Act, Public #2, 73rd Congress (c. 48 Stat. 11) 38 U. S. C. A. 717 provided:

> " * * * all laws granting or pertaining to yearly renewable term insurance are hereby repealed * * *"

Section 20, Public 78, 73rd Congress (48 Stat. 302) 38 U. S. C. A. 445-B provided:

"Notwithstanding the provisions of section 17, title I, Public Numbered 2, Seventy-third Congress, any claim for yearly renewable term insurance on which premiums were paid to the date of death of the insured and any claim for pension, compensation allowance, or emergency officers' retirement pay under the provisions of laws repealed by said section 17 wherein claim was duly filed prior to March 20, 1933, may be adjudicated by the Veterans' Administration on the proofs and evidence received by the Veterans' Administration prior to March 20, 1933, and any person found entitled to the benefits claimed shall be paid such benefits in accordance with and in the amounts provided by such prior laws:"

Section 35, Public #141, 73rd Congress, provides:

"Sec. 35. That notwithstanding the provisions of section 17 of title I of an Act entitled "An Act to maintain the credit of the United States Government", approved March 20, 1933, and section 20 of an Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1934, and for other purposes", approved June 16, 1933, any claim for yearly renewable term insurance under the provisions of laws repealed by said section 17 wherein claim was duly filed prior to March 20, 1933, and on which maturity of the insurance contract had been determined by the Veterans' Administration prior to March 20, 1933, and where payments could not be made because of the provisions of the Act of March 20, 1933, or under the provisions of the Act of June 16, 1933, may be adjudicated by the Veterans' Administration, and any person found entitled to yearly renewable term insurance benefits claimed shall be paid such benefits in accordance with and in the amounts provided by such prior laws."